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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-210937

DATE: March 22, 1983

MATTER OF: Inlingua Schools of Languages

DIGEST:

Protest that procurement should have been set aside for small business is denied since, with certain exceptions not relevant here, nothing in the Small Business Act or regulations mandates that any particular procurement be set aside for small business.

Inlingua Schools of Languages (Inlingua) protests that Agency for International Development (AID) invitation for bids (IFB) No. IFB/COD/OTR-83-002 is not set aside for small business concerns.

We summarily deny the protest.

The IFB solicited bids for language training. According to Inlingua, the IFB was issued at the same time as IFB No. IFB/COD/OTR-83-003, which also solicited bids for language training. The only difference between the two, according to Inlingua, is that the latter IFB is set aside for small business and the protested IFB is not. In Inlingua's opinion, the protested IFB should be a small business set-aside, since for the past 5 to 7 years small business organizations have been successful in obtaining awards for AID's language training needs under unrestricted IFB's and have performed satisfactorily. Inlingua states that an unrestricted IFB will permit large business concerns to undercut these small business concerns in the bidding.

With certain exceptions, not relevant here, there is nothing in the Small Business Act or the procurement regulations which makes it mandatory that any particular procurement be set aside for small business. While it is the Government's policy that a fair proportion of purchases be placed with small business concerns, the decision whether a particular procurement should be set aside for small business is essentially within the discretion of the contracting agency. Romar Consultants, Inc., B-206764, March 29, 1982, 82-1 CPD 290.

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Consequently, we cannot legally object to AID's failure to make the protested IFB a small business set-aside.

for *Milton J. Fowler*
Comptroller General
of the United States